

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

04 APR 27 AM 8:32

U.S. DISTRICT COURT  
N.D. OF ALABAMA

DANIEL CLARENCE FLEMING, )  
)  
Plaintiff, )  
)  
v. ) CV 04-P-0091-S  
)  
ROBERT MORRIS, STEVEN SCOTT, )  
C. DOUGLAS WITHERSPOON, JAMES )  
KIMBLE, S. WAYNE TAYLOR, )  
SUZANNE NELSON, JOHN DOE, )  
HEALTH SOUTH MEDICAL CENTER )  
RETINA SPECIALIST OF ALABAMA, )  
LLC, DAVID HOIDAL, and the )  
CALLAHAN EYE FOUNDATION )  
HOSPITAL, )  
)  
Defendants. )

ENTERED  
APR 27 2004

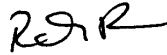
**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on March 13, 2004, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b). A Final Judgement will be entered.

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DATED this 26<sup>th</sup> day of April, 2004.



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R. DAVID PROCTOR  
UNITED STATES DISTRICT JUDGE